

## North Dakota Department of Transportation

### Special Provision: Disadvantaged Business Enterprise Program

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### INTRODUCTION

49 Code of Federal Regulations Part 26 (CFR) states that the contractor, subrecipient, or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. Contractors shall carry out applicable requirements of 49 CFR Part 26 in the solicitation, award, and administration of USDOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

In addition, Title VI assures that no person or group of persons may, on the grounds of race, color, national origin, sex, age, or handicap or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs or activities administered by the Department. For information regarding Title VI, see the 2001 DBE Program.

The two paragraphs above apply to every contractor on the project, including every tier of subcontractor. It is the prime contractor's or subcontractor's responsibility to include the two above paragraphs in every subcontract.

The contractor is required to complete Forms A, B (or provide copies of quotes), and C within the assigned time frames.

In this special provision:

**“Apparent low bidder”** means the bidder whose bid is read as low bid at the bid opening.

**“Contractor”** means ALL DBE (including MBE and WBE) and non-DBE firms, including prime contractors, subcontractors (under/over \$500,000), suppliers, brokers, vendors, regular dealers, and manufacturers.

**“Race-neutral project”** means one that is, or can be used to assist all small businesses. For the purposes of this part, race neutral includes gender-neutrality.

**“Prime contractor”** means bidders or contractors who are submitting proposals on this project, regardless of the size of the project.

- **“Aggregate providers”** are considered subcontractors rather than suppliers, regardless of the amount of their quote.

**“Broker”** means an agent who negotiates contracts of purchase, work, lease, or sale; or buys and sells goods; or negotiates between buyers and sellers; but without having custody of the property. A broker may assist in the procurement of facilities, materials, or supplies required for the performance of the contract. A broker is not regarded as a supplier, manufacturer, or regular dealer for the purposes of this program.

**“Manufacturer”** means a firm that operates or maintains a factory or establishment that produces, on the premises, the materials, supplies, articles, or equipment required under the contract and of the general character described by the specifications.

**“Regular dealer”** means a firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials supplies, articles, or equipment of the general character described by the specifications and required under the contract are bought, kept in stock, and regularly sold or leased to the public in the usual course of business.

- To be a regular dealer, the firm must be an established, regular business that engages, as its principal business and under its own name, in the purchase and sale or lease of the products in question.
- A person may be a regular dealer in such bulk items as petroleum products, steel, cement, gravel, stone, or asphalt without owning, operating, or maintaining a place of business as provided above if the person both owns and operates distribution equipment for the products. Any supplementing of regular dealers’ own distribution equipment shall be by a long-term lease agreement and not on an ad hoc or contract-by-contract basis.

**“Quoters”** means DBE and non-DBE subcontractors (under/over \$500,000), suppliers, brokers, vendors, regular dealers, and manufacturers who submit quotes to another contractor.

**“Subcontractor quoting over \$500,000”** means a subcontractor whose quote is over \$500,000 on any project and who is not a supplier, broker, vendor, regular dealer, or

- manufacturer. All aggregate providers are considered subcontractors, regardless of the amount of their quote.

**“Supplier”** means a firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials, supplies, articles, or equipment of the general character described by the specifications and required under the contract are bought, kept in stock, and regularly sold or leased to the public in the usual course of business.

- The firm must be an established, regular business that engages, as its principal business and under its own name, in the purchase and sale or lease of the products in question.

## SOLICITATION EFFORTS

The following is a list of actions a bidder (including DBE primes) **may** use to obtain DBE participation. Efforts may include, but are not limited to, the following steps:

### 1. ADVERTISE

- A. The prime contractor may place an advertisement soliciting DBE participation in either general circulation media or the supportive services newsletter before the bid opening. "General circulation media" means a newspaper in the area of a project or a trade association publication such as the Construction Bulletin.
- B. Prime contractors who submit their proposals by mail should say so in their advertisement. The ad should also state a date and time by which all quotes may be submitted for consideration, and where quotes should be sent.
- C. The supportive services newsletter is published two weeks before each bid opening. Requests for ads in the newsletter must be received, in writing, by the supportive services contractor no later than noon (Central), 2 weeks before the bid opening date. The address of the supportive services contractor is: Jim Laducer, Laducer & Associates, Inc., 2001 Missouri Drive, Mandan, ND 58554, phone 701/667-1980, fax 701/667-2970.

### 2. SIGN IN

- A. **DBE and non-DBE prime contractors, (excluding suppliers, brokers, vendors, regular dealers, and manufacturers) unless submitting proposals by mail, may do the following:**
  - 1. Between noon and 2 p.m. (Central) the day before the bid opening date, either sign in, in person, or call in (701-258-7000) at the supportive services room at the Bismarck Doublewood Inn, 1-94 and Exit 159. The prime contractor and subcontractor quoting over \$500,000 should provide information (location, phone, and fax numbers) about where they can be contacted by businesses wishing to submit quotes to them between 2 p.m. and 8 p.m. that same day.
  - 2. Designate at that time which jobs they are bidding.
  - 3. Between 2 p.m. and 8 p.m. (Central) the day before the bid opening the prime contractor and subcontractor quoting over \$500,000 should have a representative available to receive and discuss quotes at the contact location or numbers as required in A-1 above.

**NOTE: To facilitate the flow of information subcontractors over \$500,000 are strongly encouraged but not required to follow the same steps in A1-3 above.**

**B. DBE and non-DBE suppliers, brokers, vendors, regular dealers, and manufacturers are not required but are strongly encouraged:**

Between 2 p.m. to 4p.m. (Central) the day before the bid opening, to stop by or call (701-258-7000) the supportive services room, at the Bismarck Doublewood Inn, I-94 and Exit 159, where copies of the prime contractors and subcontractors quoting over \$500,000 sign-in sheets will be available.

**C. DBE and non-DBE subcontractors quoting under \$500,000 are not required but are strongly encouraged:**

Between 2 p.m. to 6 p.m. (Central) the day before the bid opening, to stop by or call (701-258-7000) the supportive services room, at the Bismarck Doublewood Inn, I-94 and Exit 159, where copies of the prime contractors and subcontractors quoting over \$500,000 sign-in sheets will be available.

**A. DBE and non-DBE subcontractors quoting over \$500,000 are not required but are strongly encouraged:**

Between 2 p.m. to 8 p.m. (Central) the day before the bid opening, to stop by or call (701-258-7000) the supportive services room, at the Bismarck Doublewood Inn, I-94 and Exit 159, where copies of the prime contractors and subcontractors quoting over \$500,000 sign-in sheets will be available.

**GUIDELINES FOR SUBMITTING QUOTES TO BIDDERS**

All businesses are **strongly encouraged** to follow these guidelines when quoting.

- A. The night before the bid opening,
  - 1. By 4 p.m. (Central) all DBE and non-DBE suppliers, regular dealers, vendors, manufacturers, and brokers should cease quoting.
  - 2. By 6 p.m. (Central) all subcontractors under \$500,000 should cease quoting.
  - 3. By 8 p.m. (Central) all subcontractors over \$500,000 should cease quoting.
- A. Indicate the date of the bid opening, job number, and project number being quoted.
- B. Include bid item numbers and units or quantities.
- C. Use bid items and quantities from the proposal rather than from the Notice to Bidders.
- D. Show all calculations on the quote.

- E. Indicate whether mobilization is included, cost of bond if required, and any other special conditions.
- F. Indicate if a quote does not include something required by the specifications for a particular bid item.
- G. Include on all trucking quotes the type and number of units available and their capacity.
- H. Provide separate quotes for each project (each quote on a separate page).
- I. Indicate on all quotes for more than one bid item whether the bid items are tied or not tied.
- J. Subcontractors over \$500,000 should attach a copy of their Form A to their quote when submitting it to the prime contractor.

### SUBMITTING QUOTES TO DEPARTMENT OF TRANSPORTATION

By the times listed in the chart below, the night before a bid opening, all DBE and non-DBE subcontractors (under/over \$500,000), suppliers, regular dealers, vendors, manufacturers, or brokers **should submit a copy** of all phone or paper quotes given for each project. Quotes must either be placed in the drop box in the supportive services room or faxed to the DBE Liaison Officer, 701/328-1965, 701/328-1420, 701/328-4545, 701/328-4928.

DBE & NON-DBE . . .	SHOULD TURN IN QUOTES
suppliers, brokers, vendors, regular dealers, & manufacturers	5:00 p.m. (Central)
subcontractors <u>under</u> \$500,000	7:00 p.m. (Central)
subcontractors <u>over</u> \$500,000	9:00 p.m. (Central)

### FORM A

By noon (Central) on the next work day following the bid opening, the apparent low bidder **must** submit Form A to the DBE Liaison Officer. Form A is a list of all the DBEs intended for use on the project including DBE's intended to perform work in the first tier (or below) of subcontracting.

### FORM B OR COPIES OF QUOTES

Within 10 working days after the bid opening, **all bidders must** submit Form B or copies of all quotes received. Form B must include all tiers of subcontracting for the project. Information must be submitted to the NDDOT DBE Liaison Officer, Civil Rights Office, 608 East Boulevard Avenue, Bismarck, ND 58505-0700.

### FORM C

Within 10 working days after the bid opening, **the apparent low bidder must** submit a Form C for each DBE listed on Form A to the address below, unless NDDOT grants an extension of time.

- A. No award will be made on a project until all Form Cs, for each DBE, are submitted to the NDDOT. The contractor and DBE must both sign this form, which applies to all tiers of subcontractors working with DBEs.
- B. Form Cs may be faxed to NDDOT's DBE Liaison Officer, 701-328-1965 or mailed to the Civil Rights Office, 608 East Boulevard Avenue, Bismarck, ND 58505-0700. Fax 701-328-1965.
- C. Signatures need not be original; faxed signatures are acceptable.
- D. If Form C contains additional pages or an attachment, each page or attachment must be signed by the intended DBE.
- E. If Form A and Form C contain different information (e.g., bid item numbers, quantities, or dollar amounts), the prime contractor and subcontractor must explain the difference in writing to NDDOT when submitting Form C.

### **PENALTIES FOR FAILURE TO PROVIDE REQUIRED DOCUMENTATION**

Prime contractors and subcontractors are encouraged to discuss the requirements of this special provision with all businesses providing quotes on a specific project.

Prime contractors may be denied future quoting or bidding privileges if they failed to provide copies of all quotes or Form B.

Apparent low bidders may be denied future quoting or bidding privileges for failure to submit Form A and Form C as required.

### **LIST OF DBE PARTICIPATION**

Generally, the DBE Participation list is posted to the NDDOT web site:

<http://www.state.nd.us/dot/dbebidinfo.html> two working days after the bid opening. For a paper copy of the DBE participation web site listing, contact the NDDOT DBE Liaison Officer, Civil Rights Office, 608 East Boulevard Avenue, Bismarck, ND 58505-0700, fax 701/328-1965, phone 701/328-2576.

### **CONSTRUCTION PROGRESS CHART REQUIREMENT**

Before the award of the contract, the apparent low bidder must create a construction progress chart for each DBE to be used on the contract (excluding oil haulers, suppliers, brokers, vendors, regular dealers, or manufacturers). The chart must state the type of work to be performed and when it will be performed.

The apparent low bidder must supply all charts to the Department and the appropriate chart to each DBE to be used on the contract.

### **AWARD OF CONTRACT**

Contract award will be made to the bidder who submits the lowest responsive proposal meeting the prebid and preaward requirements.

## **PRE-JOB CONFERENCE**

- It is the prime contractors responsibility to invite all DBEs listed on Form C to the pre-job conference. If the DBE is unable to attend the pre-job conference it is the prime contractors responsibility to provide a copy of the pre-job conference minutes to the DBE. In addition, it is the prime contractors responsibility to discuss any project issues necessary for joint DBE program compliance on the part of the prime contractor, non-DBEs subcontractors and their DBE subcontractors, manufacturers, or regular dealers.

## **CONTRACT MONITORING, RESPONSIBILITIES, AND REPORTING**

- For the life of the project, prime contractors are responsible for the DBEs listed on Form C and for the specific bid items or products that the bidder committed to during the pre-award process. It is the prime contractors responsibility to monitor DBE performance on the project, to ensure the DBE performs a commercially useful function and to ensure both the prime contractor and their subcontractors, suppliers, manufacturers, and regular dealers comply with the requirements of this special provision.
- DBEs are responsible for performing a commercially useful function. Should the DBE be unable to perform a commercially useful function or perform as stated on Form C it is their responsibility to immediately notify the prime contractor orally and in writing.

The prime contractor must submit a completed copy of the DBE Participation Certification (SFN 14268), signed by the prime contractor and the DBE, to the project engineer upon completion of the contract to verify DBE participation. This includes DBE's used that were not included on Form A. The project will be monitored to ensure the DBE is performing a commercially useful function.

## **COMMERCIALLY USEFUL FUNCTION**

The Department counts expenditures to a DBE contractor toward DBE goals only if the DBE is performing a commercially useful function on that contract.

1. A DBE performs a commercially useful function when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. To perform a commercially useful function, the DBE must also be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material, and installing (where applicable) and paying for the material itself. To determine whether a DBE is performing a commercially useful function, the Department must evaluate the amount of work subcontracted, industry practices, whether the amount the firm is to be paid under the contract is commensurate with the work it is actually performing and the DBE credit claimed for its performance of the work, and other relevant factors.
2. A DBE does not perform a commercially useful function if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in

order to obtain the appearance of DBE participation. In determining whether a DBE is such an extra participant, the Department must examine similar transactions, particularly those in which DBEs do not participate.

3. If a DBE does not perform or exercise responsibility for at least 30 percent of the total cost of its contract with its own work force, or the DBE subcontracts a greater portion of the work of a contract than would be expected on the basis of normal industry practice for the type of work involved, the Department must presume that it is not performing a commercially useful function.
4. When a DBE is presumed not to be performing a commercially useful function as provided in paragraph 3C of 49 CFR Part 26.55, the DBE may present evidence to rebut this presumption. The Department may determine that the firm is performing a commercially useful function given the type of work involved and normal industry practices.
5. The Department's decisions on commercially useful function matters are subject to review by the concerned operating administration [Federal Highway Administration, Federal Transit Administration, or Federal Aviation Administration], but are not administratively appealable to USDOT.

#### **MAINTAINING RECORDS & TRACKING PAYMENTS**

The Department will require prime contractors and subcontractors to maintain records and documents of payments to DBEs for three years following the performance of the contract. These records will be made available for inspection, upon request, by any authorized representative of the NDDOT or USDOT. This reporting requirement also applies to any certified DBE.

Prime contractors and subcontractors must keep a running tally of actual payments to DBEs for work committed to them at any time during the life of the contract. Prime contractors and subcontractors will be required to give NDDOT a record of payment by the tenth working day after the October-December quarter, the tenth working day after the January-March quarter, the tenth working day after the April-June quarter, and the tenth working day after each of the months of July, August, and September. The record must contain the name of the prime contractor or subcontractor, the project number, and the amount paid to the DBE for the reporting period only. Send the record to the DBE Liaison Officer, Civil Rights Office, North Dakota Department of Transportation, 608 E. Boulevard Ave., Bismarck, ND 58505-0700. Fax 701-328-1965.

NDDOT may perform interim audits of contract payments to DBEs to ensure that the actual amount paid to DBEs equals or exceeds the dollar amount stated on Form C.

#### **MONITORING AND ENFORCEMENT MECHANISMS**

The Department will bring to the attention of the USDOT any false, fraudulent, or dishonest conduct in connection with the program, so that USDOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, or referral to the USDOT Inspector General for action under Suspension and Debarment or Program Fraud and Civil Remedies rules) provided in §26.107. The Department will also consider similar action under its own legal authorities, including responsibility determinations in future contracts.



# DISADVANTAGED BUSINESS ENTERPRISE PARTICIPATION (RN)

North Dakota Department of Transportation, Civil Rights Office  
SFN 52012 (01-2003)

## FORM A

Contractor		Phone
Job No.	Project No.	Bid Opening Date

**By noon (Central time) on the next work day following the bid opening, all apparent low bidders must provide a list of the DBE firms intended for use on this project to the NDDOT Civil Rights Office.** The information provided may be submitted on this Form A or on a computer-generated form, giving the same information, attached to this Form A. If the prime contractor intends to use DBE quotes received from a subcontractor, the prime contractor **must** attach the subcontractor's Form A to the prime contractor's Form A.

### PRINT ALL NUMBERS CLEARLY AND LEGIBLY.

- For each DBE firm, list the specific bid item numbers to be performed and the total dollar value.
  - If the DBE firm is going to do only a portion of a bid item (supply, haul, etc.), this **must** be so noted, in parenthesis, after the bid item number.
  - For DBE subcontractors, suppliers (regular dealers), and manufacturers, **list only the amount of work to be completed with each DBE's own forces.**
  - For DBE trucking firms, **list only the amount of hauling to be performed with each DBE's own trucks and employees;** or the fees or commissions earned on non-DBE leased trucks.
- DBE prime contractors **must** list the work they will perform with their **own forces** and any work subcontracted to or materials purchased from other DBEs.
- If the information provided on Form C **differs** from the information provided on this Form A (bid item numbers, quantities, or dollar amounts), the prime contractor or subcontractor **must** provide, with the Form C, a written explanation for the difference.
- The prime contractor or subcontractor **must** use the DBEs listed for the intended work indicated on Form C.

DBE Firm	
List Specific Bid Item Numbers or Products to be Supplied	Total Dollar Value \$
If Regular Dealer, X 60% = \$	

DBE Firm	
List Specific Bid Item Numbers or Products to be Supplied	Total Dollar Value \$
If Regular Dealer, X 60% = \$	

DBE Firm	
List Specific Bid Item Numbers or Products to be Supplied	Total Dollar Value \$
If Regular Dealer, X 60% = \$	

DBE Firm	
List Specific Bid Item Numbers or Products to be Supplied	Total Dollar Value \$
If Regular Dealer, X 60% = \$	

## FORM A (continued)

DBE Firm	
List Specific Bid Item Numbers or Products to be Supplied	Total Dollar Value \$
If Regular Dealer, X 60% = \$	

DBE Firm	
List Specific Bid Item Numbers or Products to be Supplied	Total Dollar Value \$
If Regular Dealer, X 60% = \$	

DBE Firm	
List Specific Bid Item Numbers or Products to be Supplied	Total Dollar Value \$
If Regular Dealer, X 60% = \$	

DBE Firm	
List Specific Bid Item Numbers or Products to be Supplied	Total Dollar Value \$
If Regular Dealer, X 60% = \$	

DBE Firm	
List Specific Bid Item Numbers or Products to be Supplied	Total Dollar Value \$
If Regular Dealer, X 60% = \$	

DBE Firm	
List Specific Bid Item Numbers or Products to be Supplied	Total Dollar Value \$
If Regular Dealer, X 60% = \$	

DBE Firm	
List Specific Bid Item Numbers or Products to be Supplied	Total Dollar Value \$
If Regular Dealer, X 60% = \$	

**Use additional pages, following the same format, if necessary.**

The NDDOT DBE Liaison Officer can be contacted at:

Civil Rights Office  
ND Department of Transportation  
608 E. Boulevard Ave.  
Bismarck, ND 58505-0700

digoe@state.nd.us  
phone (701) 328-2576  
fax (701) 328-1965

**LIST OF BUSINESSES THAT SUBMITTED QUOTES (RN)**North Dakota Department of Transportation, Civil Rights Office  
SFN 52013 (Rev. 01-2003)

SP DBE -- Race-neutral

January 2, 2003

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**FORM B**

Contractor		Phone (       )
Job No.	Project No.	Bid Opening Date

Within 10 working days after the bid opening, for each project, all bidders **must submit to the NDDOT Civil Rights Office either:**

- 1 a completed Form B or
- 1 copies of all quotes received

**This includes information from all tiers of subcontractors for the project.**

List below the names of all businesses, including subcontractors, suppliers, vendors, regular dealers, manufacturers, and brokers who provided you quotes for this project. This includes information from any large subcontractor who also provided you a quote on this project and their subcontractors, suppliers, vendors, regular dealers, manufactures, and brokers.

Name of Business	Contact Person	Phone (       )
Mailing Address		Type of Work (See Reverse Side for Codes)
Name of Business	Contact Person	Phone (       )
Mailing Address		Type of Work (See Reverse Side for Codes)
Name of Business	Contact Person	Phone (       )
Mailing Address		Type of Work (See Reverse Side for Codes)
Name of Business	Contact Person	Phone (       )
Mailing Address		Type of Work (See Reverse Side for Codes)
Name of Business	Contact Person	Phone (       )
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Name of Business	Contact Person	Phone (       )
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Name of Business	Contact Person	Phone (       )
Mailing Address		Type of Work (See Reverse Side for Codes)
Name of Business	Contact Person	Phone (       )
Mailing Address		Type of Work (See Reverse Side for Codes)
Name of Business	Contact Person	Phone (       )
Mailing Address		Type of Work (See Reverse Side for Codes)
Name of Business	Contact Person	Phone (       )
Mailing Address		Type of Work (See Reverse Side for Codes)

**Use additional pages, following the same format, if necessary.**

## FORM B (continued)

<b>A-1</b>	<b>Engineering</b> - Professional services such as design or construction inspections performed by an engineering firm.
<b>A-5</b>	<b>Other</b> - Other professional services such as supportive services and research contracts.
<b>B-1</b>	<b>Grading/Drainage</b> - Grading, drainage, clearing, and related construction items.
<b>B-2</b>	<b>Paving</b> - Construction of base course, pavements, and related items.
<b>B-3</b>	<b>Structures/Buildings</b> - Bridge construction operations, including piling, substructure, superstructure, etc.; and building construction, including plumbing, heating, electrical, etc.
<b>B-4</b>	<b>Trucking</b> - Hauling of earthwork or other materials for a construction project.
<b>B-5</b>	<b>Traffic Control</b> - Permanent traffic control items such as signs, signals, and markings; and temporary traffic control items such as barricades and flagging.
<b>B-6</b>	<b>Landscaping</b> - Landscaping, seeding, sodding, erosion control, and related items.
<b>B-7</b>	<b>Other</b> - Other construction activities such as lighting contracts and guardrail.
<b>C-</b>	<b>Supplies</b> - The packaging and shipment of a product (materials, goods, and supplies) and the furnishing of BULK ITEMS which are incorporated into a construction project.  <div style="display: flex; justify-content: space-between;"> <div> C-1 Aggregate  C-2 Concrete  C-3 Electrical  C-4 General </div> <div> C-5 Petroleum Products  C-6 Pipe  C-7 Ready Mix </div> </div>
<b>D</b>	<b>Manufacturing</b> - The physical production of materials and supplies through standard manufacturing processes obtained by a contractor for incorporation into a construction project.
<b>E</b>	<b>Equipment</b> - Purchases and rental of equipment for use on a specific construction project.

The DBE Liaison Officer can be contacted at:

CIVIL RIGHTS OFFICE  
ND DEPT OF TRANSPORTATION  
608 E BOULEVARD AVE  
BISMARCK ND 58505-0700

E-mail: [digoe@state.nd.us](mailto:digoe@state.nd.us)  
Phone: (701) 328-2576  
Fax: (701) 328-1965

**NOTIFICATION OF INTENT TO USE DBE (RN)**North Dakota Department of Transportation, Civil Rights Office  
SFN 52160 (Rev. 01-2003)SP DBE -- Race-neutral  
January 2, 2003  
Page 13 of 13**FORM C**

1. The prime contractor and any subcontractors who listed DBE Participation on Form A **must** complete a Form C for each of their respective, intended DBEs. The prime contractor is responsible for the completion and submission of a Form C for each DBE commitment made by any lower-tier subcontractor.
2. If the information on a Form C **differs** from the information provided on Form A (bid item numbers, quantities, or dollar amounts), a written explanation for the difference **must** be provided by the prime contractor or subcontractor with the Form C.
3. The Form C **must be signed** by the prime contractor or subcontractor and their respective, intended DBE. If Form C contains additional pages or an attachment, each page **must** be signed by the intended DBE. Signatures do not have to be original (faxed signatures are acceptable).
4. The forms **must** be returned to the NDDOT Civil Rights Office **within ten working days** after the bid opening. Forms may be faxed to the Civil Rights Office at (701) 328-1965, followed by a hard copy. **Award will not be made** until a Form C is received for each intended DBE listed on Form A.

***This form is NOT a contract and does not take the place of any contract. It is an indication to NDDOT that all DBEs listed on Form A understand they will be used on this project.***

Prime Contractor or Subcontractor	Project No.	
Intended DBE	Bid Opening Date	Job No.

Bid Item Nos.	Work Description	Units	Approx. Quantity	Unit Costs	Amount
	<b>Total</b>				

<b>Comments</b>
-----------------

Prime Contractor/Subcontractor Signature	Title	Date
Intended DBE Signature	Title	Date

The NDDOT DBE Liaison Officer can be contacted at the Civil Rights Office, ND Department of Transportation, 608 E. Boulevard Ave., Bismarck, ND 58505-0700, digoe@state.nd.us, phone (701) 328-2576, or fax (701) 328-1965.